

Department of Public Health  
and Human Services

Section:  
WORK REGISTRATION

FOOD STAMP PROGRAM

Subject:  
Work Registration Exemptions

**Supersedes:** FS 701-1 (04/01/07)

**References:** 7 CFR 273.7

**GENERAL RULE**--To be exempt from work registration, an individual must meet one of the exemptions listed below:

**NOTE:** Households which are categorically eligible for food stamps are not automatically exempt from work registration. Also, living in a geographically ABAWD (Able Bodied Adult Without Dependents) exempt area does not automatically exempt an individual from work registration.

**Individuals who do not meet a listed work registration exemption must be coded mandatory ('MA') on the WOLF screen.**

The following individuals are exempt from work registration:

## **AGE**

1. Individuals age 15 or younger and age 60 or older. If an individual reaches his/her 16th birthday within the redetermination period they will register as part of the next scheduled recertification process, unless otherwise exempt (WOLF code: 'AG').
2. Individuals age 16 or 17 are exempt if they are:
  - a. Not the primary information person ('PI') on TEAMS (WOLF code: 'NH'); or,
  - b. Attending school at least half-time as defined by the institution (WOLF code: 'ST').

## **STUDENT**

3. Individuals age 18 or older who are enrolled at least half-time in any recognized school, training program or institution of higher education, who also meet the eligibility requirements as an eligible student. See the eligible student section FS 201-5 (WOLF coding is 'CS' for those in higher education and 'ST' for all other students). The student exemption continues through normal periods of class attendance, vacation and recesses. If the student graduates, enrolls less than half-time, is suspended or expelled, drops out or does not register for the next term, the exemption ends and the student must register for work.

**DEFINITIONS:** “Half-time”- as defined by the school or training program. If the institution does not have a definition, use prudent judgment and clearly document basis for decision in TEAMS case notes.

“Recognized” - any school or training program approved, funded or operated by a federal agency or accredited by the state is considered recognized for the purpose of establishing an exemption.

## DISABILITY

4. Individuals physically or mentally unfit for employment. If physical or mental incapacity is claimed and the incapacity is not evident to the OPA Case Manager, verification is required. Appropriate verification may consist of entitlement to temporary or permanent disability benefits issued by government or private sources; receipt of Vocational Rehabilitation services, Workmans' Compensation payments or Developmental Disability services; or a statement from a physician or a licensed or certified psychologist or psychiatrist. Since eligibility workers are not licensed to diagnose mental disorders, all such claims must be verified by a licensed practitioner (WOLF code: 'DI').

If the individual is waiting for Workmans' Compensation, Vocational Rehabilitation or Developmental Disability eligibility determination, they are not in receipt of services and therefore must provide medical documentation before an exemption can be given.

**NOTE:** When verification is required, it should indicate that the individual is unable to work an average of 30 hours a week and the approximate length of time the individual will be unable to work an average of 30 hours a week. Restrictions on working do not mean the individual is unable to work.

5. Individuals with a current SSI application pending with the Social Security Office (WOLF code: 'DI'). If SSI has been denied but SSDIB is still being considered, the exemption will need to be determined based on the conditions in number 4 above. As long as an SSI appeal is pending for SSI, the application is considered current.
6. Individuals approved by Social Security for disability payments, either SSI or SSDIB (WOLF code: 'DI').

**NOTE:** Remember to set the 'D' indicator for the disabled individual on SEPA.

**NOTE:** All protected health information received for eligibility purposes must be handled according to the HIPAA Manual.

**EMPLOYED**

7. An individual who is employed or self-employed and working at least 30 hours weekly **or** receiving weekly earnings equal to or greater than the federal minimum wage multiplied by 30 hours. This includes self-employed or contract persons who would be certified for one year when the county determines that the employment constitutes a full-time job. This also includes migrant and seasonal farm workers who are under contract or similar agreement with an employer or crew chief to begin employment within 30 days (although this shall not prevent individuals from seeking additional service from Job Service). For persons receiving a training wage, the training wage will be substituted for the applicable Federal or State minimum wage when determining if these persons are exempt from work registration (WOLF code: 'EM').

**NOTE:** For individuals hired under contract, view the contract to determine the anticipated number of weeks the individual will be working in the position. Then determine the number of hours per week to evaluate if this exemption exists.

**Example:** Terms of contract indicate a 12 month contract but the individual is only working 9 months out of the year at an average of 40 hours a week. The calculation would be as follows: 9 months x 40 hours per week x an average of 4.3 weeks per month divided by 52 weeks of contract equals = 29.77 hours a week. This person is exempt from ABAWD, but would only be exempt from work registration if being paid above minimum wage.

**CARING FOR A DEPENDENT CHILD UNDER SIX OR AN INCAPACITATED PERSON**

8. The work registration exemption applies to a parent or a household member who is actually caring for a dependent child under six years of age or an incapacitated person, even if the child or incapacitated person is not part of the food stamp filing unit. Additionally, the dependent child or incapacitated person need not live with the food stamp household. However, the exemption would not apply to the parent or household member if the dependent or incapacitated person is residing with another household and the household is providing the care. If the OPA Case Manager questions this exemption, medical documentation of need may be requested.

**Example:** Amy is the five year old foster child of Jane. Amy is not included in Jane's food stamp household unit. Jane has a work registration exemption because she is caring for Amy.

Only one adult can claim responsibility for one child for an exemption. If the household contains two adults and one child, only one adult can claim the exemption. If the household contains two adults and two children, each adult could claim an exemption. The situation needs to be evaluated to determine if one adult has responsibility for one child while the other adult has responsibility for the other child.

#### WORC REQUIREMENTS

9. Individual caring for an incapacitated person. If the OPA Case Manager questions this exemption, medical documentation of need may be requested (WORF code: 'CU').

10. Individuals complying with a Family Investment Agreement (FIA) for TANF Cash Assistance or participation in an Individual Family Plan (IFP) for Tribal TANF cash assistance (WORF code: 'IV').

Only use the 'IV' code on WORF if the participant does not meet any other exemption.

#### DRUG AND ALCOHOL

11. Individuals who are regular participants in a drug addiction or alcoholic treatment and rehabilitation program. If the exemption is questionable, documentation may be requested (WORF code: 'DR').

#### UNEMPLOYMENT

12. Individuals subject to and complying with Unemployment Compensation system requirements, including one who has applied for, but has not yet begun to receive Unemployment Compensation.

If the exemption is questionable and documentation cannot be confirmed via MISTICS inquiry, the participant shall be responsible for verifying the exemption (WORF code: 'UC').

**NOTE:** One of the requirements for unemployment is to actively begin seeking employment.

**NOTE:** Applying for unemployment after quitting a job does not exempt an individual from disqualification for "job quit" (FS 703-1).

#### ► LOSS OF

Household members who have been exempt from work

**EXEMPT  
STATUS**

registration may lose their exempt status due to changes in the circumstances of the household or of the individual member. Some changes must be reported under change reporting requirements (FS 1501-1). If a change is reported and it results in a person losing a work registration exemption, the person must register at the time the change is acted upon. If the change is not required to be reported, the person must register at the next recertification. Changes in circumstance that would require a previously exempt member to register for employment include, but are not limited to:

1. Loss of employment, change in hours, or change in earnings;
2. The sole dependent child leaves home; or,
3. Sanction from TANF Cash Assistance or Tribal TANF due to non-compliance with any FIA or IFP activity.

When an individual has lost exemption status, the OPA Case Manager must:

1. Update the individual's work registration code to 'MA' on WOLF;
2. Send an HCS-543A to the household;
3. Send a notice to the household stating the HCS-543A must be signed by **any** household member 16 or older as a condition of eligibility for the household member who lost exemption status; and,
4. Enter a case note explaining the loss of exemption status.

**NOTE:** If the household fails to submit a completed HCS-543A, the individual is disqualified from the household's food stamp benefits. The household must be provided with timely notice of decrease.

**EXCEPTION:**

If the household is subject to six month reporting requirements, and the change is not reported, the decrease will not be effective until month six or recertification, whichever is first.

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